IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 23128 of 2007(C)

PETITIONER:

MALAYIL ABDUL KAREEM,
T.P.5/1211,NEAR PWD REST HOUSE,
CHEMMAD P.O.,TIRURANGADI, MALAPPURAM DISTRICT.

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
MALAPPURAM.

2. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT
(BUILDING DIVISION), MALAPPURAM.

3. THE ASSISTANT EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT (BUILDING DIVISION),
PARAPPANANGADI, MALAPPURAM DISTRICT.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 23128 OF 2007 - C

Dated this the 27th day of July, 2007

J U D G M E N T

The petitioner is aggrieved by the action of the respondents in obstructing the pathway, which according to the petitioner, is in existence, as evidenced by Ext.P4 and P7 and in constructing the compound wall in such a way to block the existing way to the petitioner's property. In respect of the same, the petitioner has already issued a notice under Section 80 of the Code of Civil Procedure with the intention to file a suit against the respondents to redress the grievance of the petitioner. The notice was issued on 7.6.2007. The petitioner can file a suit only after 7.8.2007. In the above circumstances, the petitioner has approached this Court seeking a direction to the respondents not to obstruct the pathway leading to petitioner's house and not to construct the compound wall blocking the petitioner's access to his property.

2. I have heard the learned Government Pleader also.

3. I feel that insofar as the petitioner has already issued a notice under Section 80 of the Code of Civil Procedure, it is only appropriate that the petitioner should be given some time to approach the civil court and get orders in that by filing a suit. Accordingly, this writ petition is disposed of directing the respondents not to proceed further with the construction of the compound wall and not to obstruct the petitioner's access to his property by blocking his pathway for a period of three weeks from today.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007